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From : Stephen E. Reiter
Email Address : sreiter@foley.com
Sender's Direct Dial : 858.847.6711
Date : October 25, 2004
Client/Matter No : 088802-9702 (SALK3130-1)
User ID No : 1877

MESSAGE:**Re:** United States Patent Application No. 10/658,115

Following are:

- 1) Response to the Notice of Incomplete Reply (Nonprovisional) (6 pgs.)
- 2) Petition Under 37 CFR 1.47(a) (2 pgs.)
- 3) Declaration of Facts in Support of Petition Under 37 C.F.R. 1.47 (2 pgs.)
- 4) Petition for Extension of Time (1 pg.)
- 5) Copy of the Notice of Incomplete Reply (1 pg.)

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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.



Atty. Dkt. No. SALK3130-1 (088802-9702)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Downes et al.

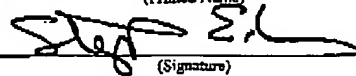
Title: NON-STEROIDAL FARNESOID
X RECEPTOR MODULATORS
AND METHODS FOR THE USE
THEREOF

Appl. No.: 10/658,115

Filing Date: 09/08/2003

Examiner: Unknown

Art Unit: 1645

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Stephen E. Reiter, Reg. No. 31,192 (Printed Name)  (Signature) October 25, 2004 (Date of Deposit)

RESPONSE TO THE NOTICE OF**INCOMPLETE REPLY (NONPROVISIONAL)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

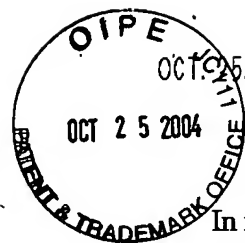
Responsive to the Notice of Incomplete Reply mailed July 16, 2004, attached hereto are the following to complete the formal filing requirements in the above-identified application:

1. Petition Under 37 CFR §1.47(a)
2. Executed Declaration of Facts in Support of Petition Under 37 C.F.R. 1.47.
3. A copy of the Notice of Incomplete Reply (Non-Provisional) mailed February 21, 2001.

[X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

10/26/2004 JBALINAN 00000089 500872 10658115

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NO. 1039 P. 3

In re application of
Downes et al.
Application No.: 10/558,115

Atty. Dkt. No. SALK3130-1 (088802-9702)

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below. A Petition for Extension of Time is enclosed.

<input type="checkbox"/> Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$430.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$980.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,530.00	\$0.00
<input checked="" type="checkbox"/> Extension for response filed within the fifth month:	\$2,080.00	\$2,080.00
EXTENSION FEE TOTAL:		\$2,080.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$2,080.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$1,040.00
<input checked="" type="checkbox"/> Subtract Extension Fee previously paid		55.00
SUBTOTAL		985.00
<input checked="" type="checkbox"/> Petition Under 37 C.F.R. §1.47(a)	\$130.00	\$130.00
TOTAL FEE:		\$1,115.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$1,115.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$0.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

In re application of
Downes et al.
Application No.: 10/558,115

Atty. Dkt. No. SALK3130-1 (088802-9702)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

10/25/04

By

SEP E.L.

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Attorney for Applicant
Registration No. 31,192





UNITED STATES PATENT AND TRADEMARK OFFICE

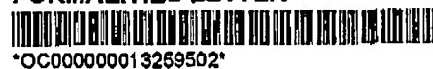
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/658,115	09/08/2003	Michael R. Downes	SALK3130-1 (088802-9702)

30542
FOLEY & LARDNER
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

CONFIRMATION NO. 9689

FORMALITIES LETTER



OC000000013269502

Date Mailed: 07/16/2004



NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 06/28/2004 to the Notice to File Missing Parts (Notice) mailed 03/23/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The signature of the following inventor(s) is missing from the oath or declaration:
Robert Hughes, Kyriacos C. Nicolaou & Anthony J. Roecker

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


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PART 2 - COPY TO BE RETURNED WITH RESPONSE

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